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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,441	07/29/2003	Kenji Konno	15162/06060	5740

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EXAMINER

LESTER, EVELYN A

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/629,441

Applicant(s)

KONNO, KENJI

Examiner

Evelyn A. Lester

Art Unit

2873



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21, 23-47 and 49-60 is/are pending in the application.
- 4a) Of the above claim(s) 53-60 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21, 23-47, 49-52 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8-2-05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Election/Restrictions***

1. Newly submitted claims 53-60 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The originally presented claimed invention has three lens units, along with various other details pertaining to the lens units, which are not recited in the new claims 53-60. The new claims recite two lens units, wherein the details to these units are not the same as the details to the originally presented claimed invention.

For instance, not only do the new claims only recite two lens units, the first lens unit is not recited as stationary, the second lens unit only varies a distance with the first lens unit, as opposed to moving specifically toward the object-side during zooming, and the new claims further present a conditional requirement that was not previously presented in the original claimed invention.

Therefore, the scope of the new claimed invention, claims 53-60, requires a different search than the originally presented claimed invention. The classification is also different than the originally presented claimed invention. For these reasons, the new claims present a distinct or independent invention from the originally presented claimed invention.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 53-60 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

## **REASONS FOR ALLOWANCE**

2. The following is an examiner's statement of reasons for allowance:

The prior art does not show or fairly suggest the claimed invention of a taking lens apparatus, and camera utilizing the taking lens apparatus, having the claimed structure and claimed limitations, wherein a rejection under 35 USC 102 or 103 would be improper. Please particularly note the **combination** of claimed elements and claimed limitations, including as recited in amended independent claims 1 and 27, the first lens unit recites including a cemented lens element having a negative lens and a positive lens element; and as recited in amended independent claims 14 and 40, please note the reasons for indicating allowable subject matter in the office action mailed on 5-4-05, page 4, paragraph 8. Therefore, in light of the Applicants' arguments and/or amendments, the claimed invention is considered to be in condition for allowance as being novel and nonobvious over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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The following are U.S. Patents and U.S. Patent Publications, which are directed to zoom lens systems and/or taking lens apparatuses, and have various details in common with the claimed invention, but do not teach or suggest the combination of the claimed limitations and claimed elements recited in the claimed invention:

Inabata et al	U.S. Patent 4,906,078
Tsuchida et al	U.S. Patent 5,157,550
Mihara et al	U.S. Patent 6,538,824 B1
Nanba et al	U.S. Patent 6,545,819 B1
Wakai et al	U.S. Patent 6,747,813 B2
Mihara	U.S. Patent 6,643,072 B2
Hagimori et al	U.S. Patent 6,853,807 B2
Amanai	U.S. Patent Pub. 2003/0179464 A1
Mihara	U.S. Patent Pub. 2004/0021783 A1

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evelyn A. Lester whose telephone number is (571) 272-2332. The examiner can normally be reached on subject to an increased flex schedule, M-F, 10-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Evelyn A. Lester  
Primary Examiner  
Art Unit 2873